

In re: Noga, et al.  
Serial No.: 09/929,788  
Filed: August 14, 2001  
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This is in response to the Official Action of June 6, 2003.

Claims 2, 4-10, 12, 16-17 and 19-20 have been cancelled in view of the restriction requirement. Reconsideration of the restriction requirement as to the remaining claims is respectfully requested. The remaining claims have all been directed to the compounds of claim 1, and hence it is respectfully that these claims should grouped with and allowed with the claims of group I.

The provisional double patenting rejection is noted, and applicants propose to allow the instant case to pass to allowance before the cited case to obviate the need for a terminal disclaimer in the instant case.

Claims 1 and 3 stand rejected as indefinite under the second paragraph of 35 USC 112. Claim 1 has been amended to clarify the Markush group language, and claim 3 has been amended to clarify that "in" simply refers to "in combination with" a carrier. No difficulty is presented in determining the metes and bounds of the claim because the claim is directed to novel peptides, the scope of which can be readily determined, and to pharmaceutical formulations, which are readily known preparations (whether as liposomes or as admixtures). Hence, it is respectfully submitted that these rejections may now be withdrawn.

It is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

  
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